



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

February 10, 2017

BY ECF

Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

**Re: United States v. Kaleil Isaza Tuzman et al.,
S8 15 Cr. 536 (PGG)**

Dear Judge Gardephe:

The Government respectfully submits this letter jointly with counsel for defendants to update the Court on the status of privilege issues relating to the production of documents by Stephen Maiden ("Maiden"). On January 28, 2017, the parties submitted a joint letter indicating that the parties were continuing to confer with Maiden's counsel regarding his privilege assertions concerning approximately 422 documents. The joint letter further indicated that the parties were awaiting information from the SEC regarding the volume of documents on the computer images Maiden provided to the SEC that had been incorrectly segregated as potentially privileged due to a technical error.

The Government has since learned that approximately 6,600 documents were incorrectly segregated. The Government understands that the SEC is currently processing these documents for production. The Government will produce these documents promptly once we receive them, but in any event, no later than the end of this month. At that time, we will also produce an additional approximately 2,000 documents over which Maiden is no longer asserting privilege.

The parties are continuing their discussions regarding Maiden's privilege invocations and whether further litigation on this issue will be necessary.

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The parties respectfully propose to jointly update the Court by March 3, 2017.

Respectfully submitted,

PREET BHARARA
United States Attorney

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